

Lake Camp Road Stakeholder Meeting September 19, 2008

Meeting Notes

In attendance:

Charles Baeder, Belgrade Reg. Cons. Alliance
Barbara Berry, Maine Association of Realtors
Betsy Bowan, ME Alliance for Road Assocs.
Kristin Feindel, Maine DEP
Larry Fleury, Pattee's Pond Assoc.
Bill Gannon, 13th Street Road Assoc.
Wendy Garland, Maine DEP
Jim Hart, China Region Lakes Alliance
Geoff Herman, ME Municipal Association

Amy Hudnor, LURC
Bill Laflamme, Maine DEP
June Mooney, Greater Augusta Utility District
Maggie Shannon, Congress of Lake Associations
Carl Snow, Pattee's Pond Assoc.
Rosetta Thompson, Franklin County SWCD
Barb Welch, Maine DEP (moderator)
Patten Williams, Worromontogus Lake Assoc.
Don Witherill, Maine DEP

1. **Discussion of Remaining Ideas** – Several ideas had previously been brought up but there had not been time to discuss them. These were briefly reviewed to determine if there was interest to pursue them further.
 - Municipal authority to fix ESC problems. The Attorney General's office verbally supported the idea that municipalities could work on private roads if it is for the public purpose of protecting water quality. Getting a written opinion of this is necessary before proceeding further with this idea. Don hopes to have it before the next meeting. Towns would need a statutory change to cover liability and a specific nexus to look for to determine when authority existed. Some sort of program might be good to help guide towns. ***This idea will continue to be pursued and will be added to strategy #2 listed below.***
 - Encourage formation of Watershed Districts. While there is already legislation allowing for the formation of watershed districts, only one has been created and they have not been a vehicle for fixing roads. Forming a watershed district is difficult due to the concerns of towns regarding losing jurisdiction, loss of funds, loss of the ability to affect where the money goes, and inability to withdraw. Further review of how the statutory language could be modified to remove some major obstacles to the formation of watershed districts (including new language to make it easier for towns to opt-out of established Districts), how they could work as a vehicle to fix roads, and if this strategy should be pursued is needed. ***This review will be pursued further as a part of looking at interlocal approaches (strategy #7 below).***
 - Voluntary special assessment districts. Special Road Assessment Districts could be created voluntarily so local SWCDs or the town could improve and/or maintain a road for a fee paid by the road users. This model from other states may be a model mechanism to connect county level or municipal level work on private roads. ***Review of this model may be pursued as a part of strategy #2 below.***
 - Using Tax Incremental Financing (TIF) for funding. TIF funding comes from the new tax generated from some sort of development project (usually on a new building) and can be put into a dedicated account that is sheltered from state valuation. Hurdles to this approach include lack of public support for TIFs and the need for significant modification to make relevant to the camp road situation. ***The possibility of using such a type of funding will continue to be pursued and will be added to strategy #2 below.***

2. Discussion of Proposed Strategy – Below is some discussion that was generated at the meeting regarding the strategies that are proposed to be recommended in the report to the Legislature. The proposed strategies are briefly outlined in the “Strategies to Pursue” draft document that was provided at the meeting (and was included in the pre-meeting email) and the strategies will be updated and fleshed out more for the next meeting.

1. Strengthen Road Associations by Removing Existing Barriers to Forming and Fixing Roads
 - Currently road associations only have the right to work on the road base, not along the road such as for ditching and culverting. It was noted that to increase the power of a road association to be able to work on the road holistically, some type of well-defined easement is necessary. The easement along the road would have to be narrowly defined and allow for exceptions for camps that are very close to the road. The state road easement law may be used as a model.
 - Some sort of technical assistance should be incorporated to ensure road plans make sense for the drainage for the whole road and for surrounding landowners. One way to do this may be to require a certified road runoff repair plan (aka stormwater management plan) for the road if cost share funds are to be accessed or to qualify for some sort of road association liability group insurance.
 - The concern over liability coverage for road association board members was discussed as a barrier to the formation of road associations and a high cost to associations. Possible ways to address this will be researched, including the possibility of road associations coming under a state or other group insurance.
 - The statutory road association longevity has been updated to be ongoing until a majority of landowners vote to discontinue the association, but this change needs to be clarified so it is understood.
2. Enable Towns to Assist with Roads
 - Important aspects of enabling towns to assist with private road work are establishing the authority of the town to do such work and providing clear guidelines of when there is the appropriate nexus between road work and the public good of protecting water quality. Guidance should be provided to help towns determine areas worthy of town involvement (e.g., Most-at-Risk lakes, high impact sites from watershed surveys). Enabling legislation should be proposed to address these needs.
3. Increase DEP Enforcement of Erosion and Sedimentation Control (ESC) Law to Prompt Action
 - The ESC law is a DEP responsibility while Shoreland Zoning is a municipality responsibility. If the municipality is not enforcing the Shoreland Zoning regulations, the noncompliance can be reported to DEP for oversight.
 - If other state agencies, such as DOT, have caused violations of the ESC law, DEP will work with them to fix the problem. To date, DOT has responded well to fix issues brought to their attention.
 - An important aspect of any ESC enforcement action will be to publicize the enforcement to get the word out and encourage others to take action to fix their eroding roads.
 - One idea was to consider including in enforcement action consent agreements the requirements of forming a road association and providing a funding mechanism to fix the problems and for future maintenance.
 - Concerns about taking enforcement action on high impact dramatic sites versus medium impact sites were discussed. Only taking enforcement on dramatic sites may give the wrong message that the only problems are the large high impact sites, not the larger overall impact of the smaller cumulative impact sites. On the other hand, in order to build a strong enforcement case, there needs to be a strong nexus between the erosion site and causing harm to the lake.

4. Provide Cost Share Funding as Incentive to Road Associations
 - In addition to providing cost sharing for actual road improvements, bond funds could also be available for technical assistance and development of road improvement plans.
 5. Provide Guidance and Technical Assistance to Road Associations
 - Some additional ideas are registering road associations and providing a website regarding forming a road association, evaluation of a road, etc.
 6. Conduct Outreach Campaign about the Link between Camp Roads and Lake Water Quality
 - Maggie discussed the work in the Belgrade Lakes region as a successful model of how to raise awareness on a large watershed level. The outreach work of local nonprofits consisted of many years of approaching the towns each year regarding protecting the lakes, to pay for Youth Conservation Corps work, and to support the Belgrade Regional Conservation Alliance. Gaining town managers' support in this five town watershed was a vital part of the success. In this region where the lakes are the economic engine, encouraging all residents to feel they own the lakes was important.
 7. Recommend an Interlocal Approach (watershed, county, other)
3. **Roundtable** – Everyone at the meeting was given the chance to give an overall opinion and discuss concerns about the committee's recommendations at this point. These were not final votes or organizational positions on the proposed strategies, but a chance to gauge what the committee members felt about the draft proposed strategies and what the concerns are. The strategies will be fleshed out more, concerns will be addressed, and more discussion about the strategies will occur at the next meeting. Following are the summarized comments from the roundtable:
- Rosetta - Supportive, but do we need to focus the recommendations more?
 - June – Pleased about approach
 - Betsy - On board. It looks like there is a light at the end of the tunnel for road associations.
 - Barbara - On board, but concerned about public property rights, especially if individual property owners are affected due to legislation.
 - Bill G. – Very satisfied
 - Charlie – Likes what he hears, but need a combination of funding including fair cost sharing
 - Amy - No comment, need to run meeting notes by other agency staff
 - Larry - Good job, but do not think TIF funding sounds very likely
 - Carl - Supports, but need action plan
 - Jim – Good ideas, but need more work regarding administration of plan
 - Geoff - Okay except with #2 – need opinion of AG clarified soon before go further
 - Maggie - Likes #1 and #3 emphatically, #4 and #5 need work to flesh out the framework, and not for #7
 - Pat – Overall good product, but need new landowner education and missing opportunity of requiring review of road when property changes hands

4. **Next meeting** - October 15, 9:00 – noon, Elkins Training Room